1950

File No. O.S.N.D.T.
W. University | 50
Legal Department.

A **BRANCH**

Subject: Opinions under
Shreemati Nathibai
Damodar Thackersey
Women's University
Act, 1949

Part I

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Gen. 191 c.

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Submitted.

The Vice-Chancellor of the S.N.D.T. Indian Women's University in her letter at p. 1 of the correspondence section has proposed that the term of office of Shri V.G.Kydeo, Organiser, may be continued for a year more. She presumes that under section 58(1)(a) of the S.N.D.T.Women's University Act, 1949, she can make the appointment with the previous sanction of the Chancellor and is therefore asking for sanction accordingly. Similarly in her other letter (at p. 3) she requests the Chancellor to appoint a person on the Advisory Committee referred to in clause (b) of sub-section (1) of section 58 so as to facilitate the appointment of the teachers of the University. The Education Department proposes to inform the Vice Chancellor that until section 62 of the Act comes into force, the S.N.D.T. Indian Women's University can continue to exercise all rights, powers and privileges of the society. The papers are shown to the R.L.A. before issue of the draft letter at p. 5 post.

Id/- (P.M.L.)

R. L. A.

U.R. to E.D.No.10254, dated the 20-7-50.

R.D.P.
7/7/56

S.C.

Office of the R.L.A.

Life-membership-
S.N.D.T.Women's
University Act,
1949 -
Section 15(1).

Section 15(1) of the S.N.D.T.Women's University Act, 1949 provides that the Senate shall consist of Class I - Ex-officio members, Class II ordinary members and Class III - members from electoral bodies. Class III-members from electoral bodies are selected as (i) five members by such Women's Educational Associations or bodies in the Bombay State as may be designated by the Statutes, (ii) five members by teachers of the University, (iii) five members by teachers in affiliated colleges, (iv) five members by women who have passed the Matriculation etc., (v) five members by persons who immediately before the commencement of this Act- (a) have been life members of the association or body referred to in (i) above; (b) have each subscribed a donation of Rs.10,000/- or more to any such association or body. The expression 'life members' is not defined in the Act. It will therefore, have to be given its ordinary meaning. Life membership is a membership lasting for a life time, life-long, during one's whole life; for life (See Oxford English Dictionary Vol.VI, p.262). All members of Woman's M Educational Association or bodies designated in the statute and who were recognised as life members before the commencement of this Act will be covered by clause (v) in Class III. It would not, therefore, be competent to define this expression in any other manner so as to affect the category of life members. The view taken by the Secretary, Educational Department at page 2 ante is correct.

Id/-(P.M.L.)
Remembrancer of Legal Affairs.

U.R. to E.D.No.12387,dated the 29th August 1950.

R.D.P.
742.

Office of the R.L.A.

There is no legal objection to permitting the University to hold the Entrance Examination for the ensuing year under section 34 (1) read with section 60 of the Act.

Id/- (P.M.L.)

Remembrancer of Legal Affairs.

U.R. to E.D.No.13902,dated 3rd October 1950.

R.D.P.
7/7/56

S.C.

Office of the R.L.A.

Shreemati Nathibai Damodar Thackersey Women's University Act,1949,sec.15(1) whether an amendment is necessary.

Under section 15(1), Class I, B(vii) of the Shreemati Nathibai Damodar Thackersey Women's University Act, 1949, the Director of J.J.School of Arts, Bombay, is one of the members of the Senate. It appears that the post of Director has been held in abeyance for a period of two years; and two new posts one of the Dean and the other of the Joint Dean have been created (Vide G.R.E.D. dated 24-10-1950). The question raised for the consideration of the Remembrancer of Legal Affairs is whether it is necessary to amend the Shreemati Nathibai Damodar Thackersey University Act or whether the case would be covered by the General Clauses Act.

2. It does not appear there would be any alternative in this case but to amend section 15 of the Shreemati Nathibai Damodar Thackersey University Act suitably. Presumably Secretary, Education Department has in mind sub-section (1) of section 18 of the Bombay General Clauses Act, 1904, under which it is sufficient for the purpose of indicating the relation of a law to the successors of any functionaries to express the relation to the functionaries. But that provision would not be helpful in the present case. By the Education Department G.R. dated 24-10-1950 the post of the Director has not been abolished but merely held in abeyance for two years; and two posts of the Dean and the Joint Dean have been created between whom the work of the Director appears to have been distributed. None of the two individually can therefore be considered to be the successor in office of the Director. The amendment of the Act is necessary. The matter is not so urgent as to require an Ordinance.

R.D.P
717.
5-C

Id/-
Remembrancer of Legal Affairs.

U.R. to E.D.No.17823,dated 18th December 1950.

Office of the R.L.A.

S.N.D.T.W.U. Act, 1949. Sec. 62(i)

Although the forms are issued by the Honorary Registrar in the name of the Shreemati Nathibai Damodar Thackersey Women's University, they are intended to be filled in by the students appearing for the forthcoming examinations to be held by the University in 1961 by which time the University is proposed to be duly constituted. Consequently the irregularity in issuing the forms in the name of the University before it is constituted, not being material, need not be taken serious notice of.

Id/- (P.M.L.)

Remembrancer of Legal Affairs.

U.R. to R.R.D.No.18422, dated the 29th December 1960.

R.D.P.
7/7/56

S.C.